

Bill No. 36-03
Concerning: Fire and Rescue Services -
Amendments
Revised: 5-4-04 Draft No. 19
Introduced: October 21, 2003
Enacted: May 4, 2004
Executive: _____
Effective: January 1, 2005
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Knapp, Council President Subin, and Councilmember Leventhal.

AN ACT to:

- (a) clarify and increase the integration of the public and private components of the Montgomery County Fire and Rescue Service to enhance accountability and improve emergency preparedness and services;
- [[(b) reorganize certain functions in the Montgomery County Fire and Rescue Service to distinguish between operational responsibilities and administration;]]
- [[(c) require an agreement between each local fire and rescue department and the County to establish each party's responsibilities;]]
- (b) replace the Fire Administrator with a uniformed Fire Chief to serve as the director of the County Fire and Rescue Service, and [[create two non-merit Deputy Chiefs to replace the previous]] modify the qualifications and duties of, and the process to appoint, the Division Chiefs;
- (c) require the Fire Chief to negotiate with an authorized representative of the local fire and rescue departments regarding certain issues, and create a structure and process for that negotiation, including the binding arbitration of certain issues;
- (d) require that Fire and Rescue Service policies, procedures, and command structure address new or elevated threats to public safety, such as biological, chemical, and radiological emergencies;
- (e) modify the structure, duties, and authority of the Fire and Rescue Commission;
- (f) promote consistency and coordination between emergency planning, incident management, command, and emergency services in the County and other local, regional, and national emergency management plans;
- (g) improve benefits awarded to volunteer fire and rescue workers under the Length of Service Award Program and other benefits;
- (h) encourage individuals to volunteer for fire and rescue service, and recognize [[their]] volunteers' contributions to the community;
- (i) make technical, stylistic, and conforming changes to County law concerning fire and rescue services, and repeal obsolete provisions; and

- (j) generally amend County law regarding fire, rescue, and emergency services and the Montgomery County Fire and Rescue Service, including local fire and rescue departments.

By amending

Montgomery County Code

Chapter 2, Administration

Section 2-39A

Chapter 21, Fire and Rescue Services

[[Sections 21-1 to 21-27]]

And adding

Chapter 21, Fire and Rescue Services

[[Sections 21-7A and]] Section 21-8A

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Section 2-39A and Sections 21-1 to 21-27 of the Code are amended, and ~~[[Sections 21-7A and]]~~ Section 21-8A ~~[[are]]~~ is added as follows:

Division 5A. Montgomery County Fire and Rescue ~~[[System]]~~ Service.

2-39A. Structure ~~[of system; roles of Fire and Rescue Commission, County Fire and Rescue Service, and local fire and rescue departments].~~

(a) Public-private partnership. The Montgomery County fire and rescue system is a public-private partnership, acting through the Montgomery County Fire and Rescue Service, with the advice of the Fire and Rescue Commission ~~[and the Montgomery County Fire and Rescue Service.~~ The system is governed by County law and regulations, and by policies set by the Fire and Rescue Commission as authorized in Chapter 21].

(b) Department of County government. The Montgomery County Fire and Rescue Service is a department of County government under the County Charter. The Fire Chief is Director of the Department. The ~~[Montgomery County Fire and Rescue Service]~~ Department consists of ~~[[the office of the Fire Administrator,]]~~ a Division of Volunteer ~~[[Fire and Rescue]]~~ Services, [[which includes the local fire and rescue departments as defined in Chapter 21,]] [and] [[the]] a Division of Fire and Rescue [Services] Operations, and any other divisions necessary for effective management and administration of the Department.

~~[[c)]~~ Non-merit positions. The position of Chief of Fire and Rescue Operations is a non-merit position. The position of Chief of the Division of Volunteer Fire and Rescue Services is a non-merit position. Each position must require particular qualifications specified in Chapter 21.]]

~~[[d)]~~ (c) Local Fire and Rescue Departments. The local fire and rescue departments and their volunteer members are an essential element of the

Montgomery County Fire and Rescue Service because under Chapter 21 they furnish direct fire, rescue, and emergency medical services in conjunction with County employees in the [Division of] Fire and Rescue [Services] Service.

[(d)]

[[~~(e)~~]] (d) Duties. The Montgomery County Fire and Rescue Service [and] [[, including the local fire and rescue departments [have],]] has the duties and responsibilities assigned in Chapter 21 and Chapter 22, in addition to any other duties assigned by law or [to the Service] by the County Executive.

Chapter 21, Fire and Rescue Services.

Article I. Comprehensive Fire and Rescue Services.

21-1. Statement of policy; definitions.

(a) *Legislative intent.* The County Council, under Section 101 of the County Charter [[of Montgomery County]], intends to assure adequate public safety, health and welfare through an integrated fire, rescue, and emergency medical services program that is highly competent, highly trained, efficiently delivered, equitably administered and is provided by County, local fire and rescue department, and volunteer personnel. This program is operated by the [Montgomery] County [Fire and Rescue Service] and the local fire and rescue departments. The Council believes that the County government is ultimately responsible for assuring public safety by providing fire, rescue, and emergency services. This program should provide maximum cost-effective performance; promote the County-wide public interest; account for service levels and resources like other public programs; fairly communicate and consider all views regarding these services; and

consider past, and plan for projected, growth and development in the County and its public safety requirements. To achieve these objectives a combined system of public and private resources is essential. The system includes:

- (1) Delivery of fire, rescue and emergency medical services through the [Division of] Montgomery County Fire and Rescue [Services and] Service (MCFRS), including the local fire and rescue departments, under the authority of the [Commission as implemented by the] Fire [[Administrator]] Chief or as otherwise provided by law[; and].
- (2) [Provision of the] A coordinated policy and regulatory framework for the Montgomery County Fire and Rescue Service, including the local fire and rescue departments[, by a Fire and Rescue Commission, authorized by and acting for the County government].
- (3) [[Adoption of a]] A Standardized Incident Management System and an Integrated Emergency Command System [[that allows]] which allow the integration of County and local fire and rescue department personnel and apparatus into County-wide, regional, State, and national emergency management plans.

The Council supports the delivery of fire, rescue and emergency services through the [Division of] Montgomery County Fire and Rescue [Services and] Service, including the local fire and rescue departments, operating under [the] County policies and regulations [of the Commission as] implemented by the Fire [[Administrator]] Chief. This partnership ensures that service is delivered within a County-wide context and preserves community-based perspectives of the local fire

and rescue departments. [The Council hereby declares its policy that all] County officials, employees, volunteers, and local fire and rescue departments ~~[[must]]~~ should actively encourage a combined service delivery system provided by local and County resources [which strives to offer] and promote equal opportunities and fair treatment for all personnel. The Council recognizes and respects the contributions of volunteers over many decades [which] that have [resulted not only in the protection of] protected life and property in the County [but also] and provided vital and generous private support for an essential public activity. The Council acknowledges the years of volunteer effort, risk, and sacrifice; the [provision of] time and money [towards the purchase of] devoted to purchasing equipment, apparatus, and facilities; and the [community] value to our community of opportunities for public service and fellowship. The County vigorously supports the continuation and expansion of volunteer participation to provide fire, rescue, and emergency medical services in the most cost-effective way and to encourage citizen participation in community activities.

(b) *Purpose.* This Chapter is intended to [promote the achievement of] achieve the following goals [regarding the provision of] for fire, rescue, and emergency medical services in the County:

(1) *Maximum Protection for Life and Property.* Provide maximum cost-effective, equitable, and responsive services to all County [citizens] residents and visitors, including [adequate] reasonable maximum response times, effective fire and rescue incident supervision, adequate staffing, effective distribution of personnel and apparatus, and timely adaptation to changing service needs. [All] Ensure that all organizations and participants comprising

the fire, rescue, and emergency medical services share the responsibility for continuously improving their effectiveness and efficiency [every year].

- (2) *Maximum Volunteer Participation.* Maintain and expand volunteer participation in fire, rescue, and emergency medical service operations and in policy-making.
- (3) *Optimum Personnel Practices.* Promote equity and harmony among County, local fire and rescue department, and volunteer personnel; [continual improvement in] continually improve the capabilities of all personnel; [effective] effectively manage personnel [administration]; and achieve job performance and personal conduct of the highest caliber by County, local fire and rescue department, and volunteer personnel.
- (4) *Adequate Accountability.* Account for service delivery, management practices, maintenance of all apparatus and facilities, and the use of public funds.
- (5) *Improved Operations and Administration.* Minimize costs, including administrative overhead, apparatus, and other expenses; and effectively manage personnel, purchasing, maintenance, training, and other programs.
- (6) *Integration with local, County-wide, regional, State, and national emergency management plans.* Plan and coordinate County fire, rescue, and emergency services with services provided by other government and private organizations to provide all needed services while minimizing duplication and conflict.

- (c) *Definitions.* As used in this Chapter, the following terms have the following meanings:

136 [[Administrator: the Fire Administrator appointed under Section 21-3,
 137 who serves as the Director of the Montgomery County Fire and
 138 Rescue Service, or the Administrator's designee.]]

139 Apparatus and facilities: all buildings and other real property, and all
 140 vehicles and vehicle equipment, owned in whole or in part by the
 141 County or a local fire and rescue department that are or can be
 142 used to provide fire, rescue, or emergency medical services.

143 *Commission:* the Fire and Rescue Commission.

144 *Emergency medical services:* emergency transportation, medical
 145 treatment, and related services. Emergency medical services [also]
 146 includes standards for and training and certification of care
 147 providers.

148 Fire Chief: the Fire Chief appointed under Section 21-3, who serves as
 149 the Director of the Montgomery County Fire and Rescue Service.

150 Incident [[Emergency]] Management System: the regional
 151 organizational structure protocol that supports an incident
 152 commander and is intended to promote communication,
 153 coordination, accountability, and effective action to respond to a
 154 natural disaster or other emergency.

155 LFRD representative: the authorized representative, if any, designated
 156 by the Local Fire and Rescue Departments under Section 21-6.

157 *Local Fire and Rescue Department (LFRD):* any individual fire or
 158 rescue squad corporation authorized under Section [[21-6]] 21-5
 159 to provide fire or rescue services.

160 National Incident Management System: the framework established
 161 under Homeland Security Presidential Directive 5, or any
 162 successor provision, to enhance the ability of the United States to

manage domestic incidents by establishing a single,
comprehensive plan for responding to these incidents.

Standardized Incident Management System: the organizational structure
protocol implementing the standards under which an incident
commander must provide communication, coordination,
accountability, and effective action to respond to a natural
disaster or other emergency.

Tax funds: any County government revenues, including fire tax
revenues.

Volunteer: an individual who, without salary, performs fire, rescue,
emergency[[,]] medical, or related services as provided in this
Chapter with the Montgomery County Fire and Rescue Service.
Compensation or expense reimbursement for service on the
Commission is not salary for purposes of this definition.

Article II. Organization.

21-2. Fire and Rescue Commission.

(a) *Established; membership.*

(1) There is a County Fire and Rescue Commission composed of 7
voting members appointed by the County Executive and
confirmed by the County Council. Two members must be
County career fire/rescue personnel, 2 members must be
volunteer local fire and rescue department personnel, and 3
members must have no personal, family, or business connection
with the County volunteer or career fire and rescue services.
Each member must be a resident of the County. The members
should reside in various geographic areas of the county and have
a variety of occupational backgrounds.

- (2) The Executive should appoint a person from a list of at least 5 volunteer local fire and rescue department personnel submitted by the [[Fire Board]] LFRD representative each time the Executive appoints a member who must be a volunteer local fire and rescue department member. The Executive should [also] appoint a person from a list of at least 5 career firefighters or rescuers submitted by organizations composed of career fire or rescue personnel each time the Executive appoints a member who must be a career firefighter or rescuer. If a list was submitted as provided in this paragraph and the Executive appoints a person whose name was not on that list to a Commission position reserved for a career firefighter or rescuer or volunteer local fire and rescue department member, the Executive must explain to the Council why no person on the list was selected. If the Executive requests a list under this paragraph from the appropriate organizations and does not receive a list of at least 5 candidates within 30 days, the Executive may appoint a qualified person without explaining why no person was selected from a list.
- (3) [[In addition to the 7 voting members, the Fire Administrator serves as [chair of the Commission] *an ex officio*, [but has no vote] non-voting member of the Commission.]] The Fire Chief and any [[Deputy]] Division Chief [[of [the] any Division of the Montgomery County Fire and Rescue [Services and Chief of the Division of Volunteer Fire and Rescue Services are] Service is]] are not eligible to serve on the Commission while holding [those positions] that position.

(4) Each ~~[[appointed]]~~ member serves a term of 3 years. A member must not serve more than 2 full terms, not counting any portion of an unexpired term, unless the Executive cites an extraordinary reason to reappoint the member for one or more additional terms. Each term begins August 1. A member serves until the member's successor is confirmed.

(5) The Commission [must] annually must designate one of its public members as chair and another public member as vice-chair. The vice-chair serves as chair in the absence of the [Administrator] chair.

(b) *Vacancy.* Any vacancy on the Commission must be filled as provided in subsection (a). If in the case of an unscheduled vacancy the Executive requests a list under subsection (a) from the appropriate organizations and does not receive a list of at least 5 candidates within 15 days, the Executive may appoint a qualified person without explaining why no person was selected from a list. A replacement member serves for the remainder of the original term.

(c) *Compensation.* Compensation for commission members is established by the County Council in the annual operating budget. A Commission member who is a County employee or employee of a local fire and rescue department is entitled to the same compensation as any other Commissioner, unless required by any federal or state wage and hour law to receive different compensation. Funds for these payments must be included in the budget of the Commission submitted to the Council. The Council must make any changes in compensation when it adopts the annual operating budget. Commission members must be reimbursed

for reasonable expenses as ~~[[approved by the Council]]~~ defined in the operating budget.

(d) *Duties, responsibilities and authority.*

(1) [On behalf of the County, the] The Commission must [develop] recommend how the County can:

(A) achieve and maintain effective, efficient, and equitable fire, rescue, and emergency medical services County-wide, and

(B) ~~[[provide]]~~ improve the policy, planning, and regulatory framework for all fire, rescue and medical service operations.

(2) The Commission must meet at least monthly, and may meet at other times at the call of the chair or a majority of the ~~[[voting]]~~ members.

(3) The Commission [has the following functions], in addition to [those elsewhere] any other functions assigned by law[,] or [by] Executive regulation, [adopted by the County Executive under method (2)] ~~[[must]]~~ may:

[(1) Advise]

(A) advise the Fire Chief, County Executive, and ~~[[the]]~~ County Council on any matter relating to fire, rescue and emergency medical services, and review the performance of the County Fire and Rescue Service and any action taken or policy adopted by the Service;

[(2) Adopt]

(B) advise the Chief, Executive, and Council on County-wide policies, standards, procedures, plans, and programs

[applicable] that should apply to all fire, rescue, and emergency medical service operations;

(C) review and make recommendations regarding the master plan for fire, rescue, and emergency medical services as provided in Section 21-12;

[(3) Recommend to the Executive]

(D) recommend and comment on legislation, regulations [for adoption under method (2), except when the Commission is expressly directed by law to adopt a regulation;], and policies that apply to or affect the Fire and Rescue Service;

[(4) Establish]

(E) review and recommend any appropriate changes in communications and dispatch procedures for emergency communications centers;

[(5) Establish]

(F) recommend guidelines for curriculum and programs of the [[public service training academy]] Public Safety Training Academy and other training programs for Fire and Rescue Service employees and volunteers;

[(6) Recommend]

(G) recommend to the [[County]] Chief, Executive, and Council a benefits program to provide financial protection for volunteers and their families if a volunteer becomes injured, disabled, or dies in the line of duty; [and]

[(7) After]

(H) after consulting [the Fire Administrator and] the [[Fire Board]] LFRD representative, [adopt] recommend to the

[[Fire Administrator]] Chief, Executive, and Council
 policies and programs to recruit and retain volunteers[.];
and

(I) promote coordination with other County-wide, regional,
state, and national emergency management agencies and
activities.

(4) The Commission must review and may approve or disapprove
any generally applicable Fire and Rescue Service policy or
regulation proposed by the Fire Chief, including any regulation
that may be issued by the Executive under this Chapter. Before
taking any action under this paragraph, the Commission must
give the Fire Chief, LFRD representative, employee organization,
and the public a reasonable opportunity to comment. If the
Commission does not approve or disapprove a proposed policy
within 60 days after receiving it from the Chief, the policy is
automatically approved. If the Commission does not approve or
disapprove a proposed regulation within 60 days after receiving it
from the Chief, the regulation is automatically transmitted to the
Executive for review. This paragraph does not apply to:

(A) any decision expressly assigned to another person or body
by this Chapter; or

(B) any individual personnel action.

(e) *Meetings with County Executive.* The Commission must meet with the
 County Executive or the Chief Administrative Officer periodically to
 discuss matters under the Commission's [jurisdiction] [[review]]
purview.

(f) *Annual report.* The Commission must ~~[[furnish]]~~ forward to the County Executive and County Council an annual report describing [actions taken by the] Commission recommendations and activities.

[(g) *Enforcement.*

- (1) Regulations recommended by the Commission and adopted by the Executive, and regulations and policies adopted by the Commission, are binding on the Montgomery County Fire and Rescue Service and local fire and rescue departments, and the Fire Administrator must enforce these policies and regulations.
- (2) To enable the Commission to carry out its duties and to ensure equitable and effective compliance with its policies and regulations, local fire and rescue departments, as a condition of their authority to provide fire and rescue services in the County and to receive County funds, and the Montgomery County Fire and Rescue Service must furnish any information requested by the Commission on operations, administration, volunteer participation, or other aspects of fire, rescue, or emergency medical services.
- (3) On the request of the Commission or Fire Administrator and approval of the County Executive, the County Attorney may take legal action to assist the Commission and Administrator in enforcing this Chapter and all applicable policies and regulations.
- (4) The County Executive may impound some or all tax funds designated for a particular local fire and rescue department if the Fire Administrator after receiving the advice of the Commission and giving the local department a reasonable opportunity to respond finds that the local fire and rescue department has failed

to comply with this Chapter and County or Commission policies or regulations. The Administrator is responsible for administering the local fire and rescue department's fire and rescue service responsibilities, and the impounded funds must be available for that purpose. The Administrator must provide the Commission, County Council and County Executive with an immediate report about the local fire and rescue department's and a status report 30 days later. After reviewing the status report and consulting with the Commission, the County Executive must revoke, extend, or otherwise modify the impoundment of funds consistent with the Commission's finding of the local fire and rescue department's compliance or continued.]

[(h)]

(g) *Automatic membership termination.* Any ~~[[voting]]~~ Commissioner who is absent from 25 percent or more of the scheduled meetings of the Commission during any 6-month period has resigned from the Commission. ~~[Scheduled]~~ In this subsection, "scheduled meetings" [for this purpose means] ~~[[includes]]~~ means any meeting [for which] that takes place at least 7 days [advance] after notice [was given] of the meeting. The effective date of the resignation is 10 days after the Fire ~~[[Administrator]]~~ Chief notifies the County Executive, County Council, and Commission. The [County] Executive may waive the resignation for good cause, such as illness, emergency situations, or other extenuating circumstances. If the Executive waives a resignation under this subsection, the Executive must notify the Commission, the Council, and the member in writing and explain why the resignation was waived.

If the Executive does not grant a waiver, the Executive must appoint a successor to complete the unexpired term as provided in subsection (b).

[(i)]

(h) *Removal.* The County Executive, with the approval of the County Council, may remove any Commission member for cause.

[(j)]

[[(i)] *Outreach.* The Commission may consult the Fire Board, Montgomery County Volunteer Fire/Rescue Association, Montgomery County Career Fire/Rescue Officers Association, Montgomery County Career Fire Fighters Union, [and] similar organizations, [among others,] and any other organization or individual in the performance of its duties.]]

21-3. Fire [[Administrator]] Chief; [[Division]] [[Deputy]] Division Chiefs.

(a) The Executive must appoint, subject to confirmation by the Council, and may remove the Fire [[Administrator]] Chief[[, Deputy Chief]] [[of the Division of Fire and Rescue]] [Services] [[for Operations, and]] [[the]] [[Deputy Chief]] [[of the Division of]] [[for Volunteer]] [[Fire and Rescue]] [[Services]].

(b) The Fire [[Administrator]] Chief is the [[non-]] uniformed department head of the Montgomery County Fire and Rescue Service, and has all powers of a department director. The Chief has full [[administrative and operational]] authority over all fire, rescue, and emergency medical services in the County, including any fire, rescue, and emergency medical services provided by local fire and rescue departments. The [[Administrator]] Chief must implement [the] County law, regulations, and policies [of the Commission and] to effectively administer [[all fire and rescue services provided in the County]] the Fire and Rescue

Service. [The Administrator supervises the Chief of the Division of Fire and Rescue Services, Chief of the Division of Volunteer Fire and Rescue Services, and Internal Affairs Officer.]

- (c) The [[Deputy]] Chief [[of the Division of Fire and Rescue]] [[Services]] [[for]] of the Division of Fire and Rescue Operations is a [[non-]] merit position [under Section 401 of the Charter]. The [[Division]] [[Deputy]] Division Chief must meet [IECS qualifications] the requirements for chief officer adopted under Section 21-8. The [[Division]] [[Deputy]] Division Chief [supervises and has day to day command of the Division] [[, under the direction of the Fire Administrator]] [The Division Chief] [[,]] has [[full]] operational authority over [[all]] fire [and], rescue, and emergency medical services activities of the [Division, which is equivalent to the authority of the fire and rescue chief of a local fire and rescue department. The Division shares with] Fire and Rescue Service, including the local fire and rescue departments, as assigned by the Fire Chief [the responsibility for direct fire suppression and emergency medical services activities. The Division is responsible, among other duties, for fire prevention, fire and rescue and emergency medical services training, emergency planning, and communications between emergency fire and rescue services personnel]. The [[Division]] [[Deputy]] Division Chief must promote the integration of the activities of volunteer and career firefighters and rescuers. The [[Division]] [[Deputy]] Division Chief, subject to the authority of the Fire Chief, may take disciplinary action, including discharge, against any merit system employee in the [[Division]] Service, subject to applicable merit system regulations and collective bargaining agreements.

(d) The [[Deputy]] Chief [[of the Division of]] [[for]] of the Division of Volunteer [[Fire and Rescue]] Services is [[a non-merit position]] [under Section 401 of the Charter] [[appointed and removed by the Fire Chief, but is not a County employee]] a non-merit position. The [[Division]] [[Deputy]] Division Chief must meet [IECS qualifications] the requirements for chief officer adopted under Section 21-8 and must have experience as a chief, or an assistant or deputy chief, in a volunteer fire and rescue organization in [[Maryland or any other state]] the County. The [[Deputy]] Division Chief must be given the same rank under the IECS as the [[Deputy]] Chief [[for]] of the Division of Fire and Rescue Operations. [[The Deputy Chief may be paid by or through the LFRD representative.]] Before the Fire Chief recommends [[appoints]] a person to the Executive for appointment as [[Deputy]] Division Chief for Volunteer Services, the Chief must invite the LFRD representative to submit a list of at least 5 qualified persons for the Executive's [[Chief's]] consideration. If the LFRD representative submits a list and the Executive appoints a person whose name was not on that list, the Executive must explain to the Council why no person on the list was selected. If the Chief does not receive a list of at least 5 candidates within 30 days after requesting it, the Executive [[Chief]] may appoint a qualified person without explaining why no person was selected from a list. The [[Deputy]] Division Chief has operational authority over fire, rescue, and emergency medical services activities of the Fire and Rescue Service, including the local fire and rescue departments, as assigned by the Fire Chief[[, to the extent a person who is not a County employee may exercise that authority]]. The [Division] [[Deputy]] Division Chief [supervises all staff in the Volunteer Fire and

Rescue Services Division and has day to day administrative duties relating to volunteers in the County Fire and Rescue Service], under the direction of the Fire ~~[[Administrator]]~~ [. The Division Chief has authority over fire and rescue activities of the Division, which is equivalent to the authority of the fire and rescue chief of a local fire and rescue department. Among other duties, the Volunteer Fire and Rescue Services] Chief, must [[administer the agreement between the County and each local fire and rescue department. The Division Chief is the County's contract officer with respect to that agreement]] serve as the highest ranking volunteer officer in the County and coordinate the operations and administration of volunteer personnel and LFRD's. The ~~[[Division]]~~ ~~[[Deputy]]~~ Division Chief must:

- (1) promote the integration of the activities of volunteer and career firefighters and rescuers;
- (2) promote [volunteer] recruitment and retention of volunteers;
- (3) assist ~~[[local fire and rescue departments]]~~ LFRD's in training, risk management, [apparatus] use and maintenance of apparatus, budget preparation, and formulating department policy and recommendations to the Chief and Commission; [and]
- (4) monitor legislative and regulatory actions involving volunteer activities and inform affected groups; and
- (5) provide additional opportunities for people to volunteer.
including the creation of a mobile volunteer personnel corps.

- (e) The Fire ~~[[Administrator]]~~ Chief must appoint an Internal Affairs Officer [is appointed by the Fire Administrator], after [receiving the] considering any recommendation [of] by the Commission[, and]. The Officer must assist the [Commission and the] ~~[[Administrator]]~~ Chief in

monitoring compliance with [law and] County [and Commission policies] laws, regulations, policies, and procedures and [investigating] investigate matters assigned by the [[Administrator]] Chief [or the Commission].

- (f) The Fire [[Administrator]] Chief must meet regularly with the [[Fire Board]] LFRD representative and senior [Division of] [[Montgomery County Fire and Rescue]] [Services] Service staff to communicate policy, evaluate the effectiveness of the County's integrated fire and rescue services, and receive advice on the development of policies and delivery of services.
- (g) In addition to any other authority under this Chapter, the Fire [[Administrator]] Chief may take disciplinary action against any employee or volunteer in the [[County Fire and Rescue]] Service [or], including those in a local fire and rescue department, for [violation of law,] violating any County law, regulation, policy, [Commission policy] or procedure, or any lawful order of the [[Administrator]] Chief or the [[Administrator's]] Chief's designee. Disciplinary action under this subsection may include suspension or discharge of an employee and restriction or prohibition of a volunteer from participation in fire and rescue activities. [Each local department must initially administer the discipline of its employees and volunteers, and the] The [[Administrator]] Chief must not take any action involving an employee or volunteer of a local department, except when the Chief finds that immediate action is required to protect the safety of the public or any employee or volunteer, unless the [[Administrator]] Chief finds [(under Commission enforcement policies adopted by regulation)] that the local department has not satisfactorily resolved [a] the problem in a timely

and effective manner. Any finding by the Chief under the preceding sentence is not subject to appeal. Each employee or volunteer [in the County Fire and Rescue Service or a local fire and rescue department] must give the [[Administrator]] Chief any information, not otherwise legally privileged, that the [[Administrator]] Chief reasonably needs to [find facts under this subsection] administer this Chapter.

- (h) The [[Administrator]] Chief must provide staff and other support to the Commission, subject to appropriation.

[[21-4. Fire [board] Board.]]

- [[(a) *Established; membership.* There is a Fire Board composed of the chief and president of each local fire and rescue department in the County. Each local fire and rescue department may appoint one alternate to serve and act in the absence of the chief or president of that department. The chiefs and presidents or their alternates must vote as individual representatives of their respective local fire and rescue departments and their local fire and rescue department is not bound by any vote which they cast as members of the Board. Each year at its first meeting in July, the Board must elect from among its members a [chairperson] chair and other officers as provided for in its bylaws. The [chairperson] chair serves until a successor has been elected.]]

- [[(b) *Duties, responsibilities and authority.* The Fire Board must:

- (1) Submit to the County Executive a list of candidates recommended for appointment to the Fire and Rescue Commission under Section 21-2(a).
- (2) Actively support, on a continuing basis in coordination with the Commission, the maintenance and enhancement of volunteer participation in fire, rescue and emergency medical service.

- 537 (3) Advise the Commission and the Fire Administrator on any
 538 matters relating to the fire, rescue, and emergency medical
 539 services.
- 540 (4) Review and advise the Commission and the Fire Administrator
 541 on policies and programs relating to the code of personal conduct
 542 and volunteer recruitment and retention, and recommend benefits
 543 programs.
- 544 (5) Adopt bylaws detailing its operating rules and regulations and
 545 establishing a method for amending its bylaws.
- 546 (6) Establish any committees needed to carry out its duties and
 547 responsibilities. Membership on these committees may include
 548 Fire Board members, other volunteers, County and local fire and
 549 rescue department personnel.
- 550 (7) Within [reasonable deadlines] the applicable deadline set by the
 551 Commission or the Fire Administrator, review and comment on
 552 any [proposal of the Commission to adopt] proposed laws,
 553 policies, regulations, requirements, or standards [pertaining to
 554 the] for fire or rescue services.
- 555 (8) Perform other tasks delegated by the Commission or requested by
 556 the Fire Administrator.]]

557 [[(c) *Budget and staff support.* Budget and staff support for the Fire Board is
 558 provided in the Commission budget.]]

559 **[[21-5]] 21-4. Council approval [for organization and location] of local fire
 560 and rescue departments.**

- 561 (a) A local fire and rescue department must not [be organized] engage in
 562 any fire, rescue, or other emergency service in the County unless [that
 563 department is first approved by] the County Council approves the

department. An application for [organization as] County approval to operate a fire and rescue department must be submitted to the County Executive [for], who must transmit the application and the Executive's recommendation [before it is submitted] to the County Council not later than 90 days after the Executive received the completed application.

- (b) A local fire and rescue department must not change the location of any facility used to provide fire and rescue services in the County without [receiving approval of] the [County Council] Council's approval. The [County] Executive must not [[approve]] include a site for any fire or rescue squad station or other facility used to provide fire or rescue services in a proposed Capital Improvements Program unless the [County] Council has [first] approved the location or relocation of the facility.

[[21-6]] 21-5. [Functions of] [[Agreements with]] Functions of local fire and rescue departments.

- (a) [The] A local fire and rescue [departments approved under Section 21-5 may] department may provide direct fire suppression, rescue, [and] or emergency medical services[. The local departments must comply] in the County only while the department:

- (1) is approved by the County Council under Section [[21-5]] 21-4;
and
- (2) complies with applicable [law and] County [and Commission policies and] laws, regulations [as provided in Section 21-2(g)], policies, and procedures, and the lawful orders of the Fire
[[Administrator]] Chief [[: and]]
- [[3) has a current written agreement with the County to provide these services]].

591 [(b) The agreement required by subsection (a) must:

- 592 (1) specify the nature of the services to be performed, the types of
593 equipment to be maintained, the minimum number and
594 qualifications of staff who must be available to provide services
595 and maintain the equipment, and how services will comply with
596 the Integrated Emergency Command System;
597 (2) specify the financial, personnel, equipment, and other support
598 that the County will provide to the department, subject to
599 appropriations;
600 (3) state that the agreement is subject to County law, regulations, and
601 policies, including any amendments enacted or adopted after the
602 agreement takes effect; and
603 (4) require each local fire and rescue department to furnish any
604 information requested by the Fire Administrator or the
605 Commission regarding operations, administration, volunteer
606 participation, or any other aspect of fire, rescue, or emergency
607 medical services.]]

608 (b) Each local fire and rescue department must furnish any information
609 requested by the Fire Chief or the Commission regarding operations,
610 administration, volunteer participation, or any other aspect of fire,
611 rescue, or emergency medical services.

612 (c) If the Fire [[Administrator]] Chief, after giving a local fire and rescue
613 department a reasonable opportunity to respond, finds that the
614 department has not complied with this Chapter or any other applicable
615 County law, regulation, or policy, the County Executive may impound
616 some or all of the tax funds designated for that local fire and rescue
617 department. The [[Administrator]] Chief must administer the non-

618 complying local fire and rescue department's fire and rescue service
 619 responsibilities, and may use the impounded funds for that purpose.
 620 The [[Administrator]] Chief immediately must report to the
 621 Commission, Council, and Executive about the local fire and rescue
 622 department's non-compliance and must provide a status report 30 days
 623 later. After reviewing each report, the Executive must revoke, extend,
 624 or modify the impoundment of funds, consistent with the
 625 [[Administrator's]] Chief's finding of whether the local fire and rescue
 626 department has complied with the County law, regulation, or policy.

627 (d) The County Attorney, with the approval of the County Executive, may
 628 take any legal action necessary to assist the Fire Chief and the
 629 Commission in enforcing this Chapter and all other applicable laws,
 630 regulations, and policies concerning fire and rescue services in the
 631 County.

632 (e) Nothing in this Chapter precludes, and the Fire Chief must not restrict,
 633 any local fire and rescue department from providing services to citizens
 634 in the District of Columbia if:

635 (1) those services had been provided under a mutual aid agreement
 636 or similar document that was in force on January 1, 2004; or

637 (2) those services would be provided under a mutual aid agreement
 638 approved at any time by the County Executive and County
 639 Council.

640 **21-6. LFRD representative; direct negotiation process.**

641 (a) The Fire Chief must negotiate in good faith with the authorized LFRD
 642 representative on [[certain listed]] the issues or issue areas specified in
 643 subsection (f). While each LFRD and its members retain the right to
 644 communicate directly with elected and appointed officials, the LFRD

645 representative is the LFRD's exclusive representative for purposes of
646 negotiating with the Fire Chief.

647 (b) A representative of the LFRD's becomes authorized to represent their
648 interests when the Fire Chief [[finds]] receives notice that more than
649 65% of the LFRD's:

- 650 (1) have designated that individual or organization in writing as their
651 authorized representative for negotiating purposes; and
652 (2) consented to be bound by agreements reached between the LFRD
653 representative and the Fire Chief, subject to any ratification
654 procedure previously adopted by the signatory LFRD's.

655 Any action by the Fire Chief under this subsection and subsection (c) to
656 recognize or not recognize an LFRD representative may be appealed to
657 any court with jurisdiction under the Maryland rules for appeals of
658 administrative agency actions. Any decision of a court under this
659 subsection and subsection (c) may be appealed to the Court of Special
660 Appeals.

661 (c) An LFRD can revoke its designation of an authorized representative and
662 designate another person or organization not more than once every 2
663 years. If 65% of the LFRD's vote to revoke the representative's
664 designation, that representative is no longer authorized to negotiate for
665 the LFRD's. If 65% of the LFRD's designate a different representative,
666 that representative is authorized to negotiate for all LFRD's. If an
667 authorization is revoked but no new representative is designated, further
668 negotiating is suspended.

669 (d) Formal negotiating is initiated when the LFRD representative notifies
670 the Fire Chief, or the Fire Chief notifies the LFRD representative, that a
671 negotiable issue has arisen. The Fire Chief or LFRD representative

672 must respond, either in writing or by meeting, within 15 days. The
 673 number of required meetings between the parties each month cannot
 674 exceed 1, but the parties can meet more frequently if both agree. The
 675 parties may adopt a negotiating calendar under which issues are
 676 reserved for discussion at a certain time. A negotiated agreement takes
 677 effect unless the LFRD representative notifies the Fire Chief within 60
 678 days of the date of the agreement that a majority of the LFRD's have
 679 voted to reject the agreement.

680 (e) The Fire Chief must consult with the LFRD representative on all major
 681 policy changes, to the same extent as the employee organization
 682 certified under Section 33-151 is required by law or collective
 683 bargaining agreement to be consulted.

684 (f) Issues subject to negotiating under this Section are:

- 685 (1) methods and mechanisms for volunteer firefighters' and rescuers'
 686 participation in MCFRS policy decisions;
- 687 (2) representation of volunteer firefighters and rescuers on MCFRS
 688 committees and task forces;
- 689 (3) volunteer firefighter and rescuer recruitment, selection, and
 690 recognition;
- 691 (4) procedures used to evaluate and discipline volunteer firefighters
 692 and rescuers;
- 693 (5) protection of volunteer firefighters and rescuers from harassment
 694 and discrimination;
- 695 (6) LOSAP and other benefits for volunteers, and the administration
 696 of any volunteer benefit;
- 697 (7) the equitable allocation of appropriated funds and equipment
 698 among paid and volunteer personnel; and

(8) any other issue that pertains only to volunteer firefighters and rescuers.

(g) Issues not subject to negotiating under this Section are:

(1) budgets and expenditures[[, but the equitable allocation of appropriated funds and equipment among paid and volunteer personnel may be negotiated]];

(2) MCFRS emergency and routine operations; and

(3) any other issue not specified as subject to negotiating.

(h) The Fire Chief and LFRD representative annually must choose an impasse neutral, either by agreement or through the processes of the American Arbitration Association. The impasse neutral's fees and expenses must be [[shared equally by the parties]] paid by the Service.

(i) During the course of negotiating, either party may declare an impasse and request the services of the impasse neutral, or the parties may jointly request those services before declaring an impasse. Except where specified otherwise in this Section, the timetable and process for impasse resolution, including Council review, must follow the timetable and process in Section 33-153.

(j) When an impasse is reached, the parties must submit the dispute to the impasse neutral. The impasse neutral must attempt mediation by bringing the parties together voluntarily under conditions that will tend to bring about a settlement of the dispute.

(k) If the impasse neutral, in the impasse neutral's sole discretion, finds that the parties are at a bona fide impasse, the impasse neutral must require the parties to jointly submit all items previously agreed on, and each party to submit a final offer consisting of proposals not agreed upon. Neither party may change any proposal after it is submitted to the

impasse neutral as a final offer, except to withdraw a proposal on which the parties have agreed.

(l) The impasse neutral may require the parties to submit evidence or present oral or written arguments in support of their proposals. The impasse neutral may hold a hearing at a time, date, and place selected by the impasse neutral. The hearing must not be open to the public.

(m) On or before 60 days after either party has requested the services of the impasse neutral, unless that date is extended by written agreement of the parties, the impasse neutral must select the final offer that, as a whole, the impasse neutral judges to be the more reasonable. Any issue decided by the impasse neutral must not be reopened within 3 years unless both parties agree to do so.

(n) In selecting a final offer under this Section, the impasse neutral must consider only the following factors:

(1) previous negotiated agreements between the parties, including the past bargaining history that led to the agreements;

(2) the affordability of all items that will have a significant cost to the Service;

(3) effectiveness and efficiency of operations;

(4) safety of the public; and

(5) the interest and welfare of the public.

(o) The final offer selected by the impasse neutral, integrated with any items previously agreed on, is the final agreement between the parties, need not be ratified by any party, and has the force and effect of an agreement voluntarily entered into and ratified. The parties must execute that agreement.

(p) The [[Fire Chief]] Executive must submit to the County Council for

review any element of an impasse neutral's decision that:

(1) requires an appropriation of funds;

(2) is inconsistent with any County law or regulation;

(3) requires the enactment or adoption of any County law or regulation; or

(4) has or may have a present or future fiscal impact.

(q) The Council must consider any decision or part of a decision referred to it under subsection (p) and notify the parties within 60 days if it disapproves the decision or part. The Council may extend this time by resolution.

21-7. Appeals [to and from Commission] of certain disciplinary actions.

(a) *Jurisdiction.* [The] Except as provided in subsection [(h)] (g), the Commission must hear and decide each appeal filed by[(:]
 [(1) a local fire and rescue department concerning [any] an action [of] by the Fire Administrator [in carrying out a County law or regulation or Commission policy]; and]
 [(2) [any] an employee of the Fire and Rescue Service [or] , including an employee of a local fire and rescue department[,];] a volunteer firefighter or rescuer[,] [(; or any other person)] aggrieved [person concerning any] by an adverse final action of the [(Administrator)] Chief or a local fire and rescue department [(in carrying out a County law [or], regulation, [Commission] policy, or lawful order, which applies)] involving the removal, demotion, or suspension of, or other disciplinary action applied specifically to, that individual [(of the Administrator)].

[However, the Commission must not hear an appeal under this Section if the appellant has a right to appeal the action to an

employee grievance process or the Merit System Protection Board under any other law, regulation, or collective bargaining agreement].

(b) *Filing Appeals.* [A] [[Except as provided in subsection (h), a local fire and rescue department may appeal an order or decision of the Fire Administrator to the Commission within 30 days after the order or decision is issued. A local department may also appeal the application of a County regulation or [Commission] policy [to that department] within 30 days after the regulation or policy affecting that department is issued. If a department [can show] proves that an order, policy, or decision was not communicated promptly, the department may appeal the order, policy, or decision within 30 days after [it] the department knew or reasonably should have known [of its issuance] about the action.]] Any [[other]] [aggrieved] party [[aggrieved by an action]] covered by this Section may appeal [an] the action within 30 days after the action [is taken] unless another law or regulation requires that an appeal be filed sooner. [Unless the Commission orders otherwise, the filing of an] An appeal [stays] must not stay the disputed action [appealed from] [[unless the Commission issues a written order that finds a compelling reason to enjoin the action]]].

(c) *Procedures.* The Commission by regulation must establish procedures for hearing and deciding appeals under this Section. The regulation must specify which categories of appeals may be heard by a hearing examiner or otherwise must be decided on the basis of a written record. The Commission must hear an appeal if it complies with all applicable Commission procedures. [Any party may appeal the chair's decision on any procedural matter to the Commission under procedures adopted by

the Commission.] If the Commission receives more than one appeal involving the same individual personnel action, the Commission must consolidate the appeals.

(d) *Subpoenas.* The [Fire Administrator, as] chair of the Commission[,] or a hearing examiner considering the case may issue a subpoena for the attendance of a witness and the production of any document, and may administer oaths, in any proceeding [which must be decided on the basis of a written record]. The [Administrator] Commission or any party to the proceeding may file a petition with any court with jurisdiction to enforce a subpoena as provided by law for the enforcement of subpoenas in a civil action. All provisions of law [which] that compel a person under subpoena to testify apply to proceedings under this Chapter.

(e) *Depositions.* When relevant to any proceeding and for use as evidence, the [Administrator] Commission or a hearing examiner considering the case may [permit] allow a [deposition to be taken] party to depose a witness in the manner and on the terms designated by the [Administrator] Commission or hearing examiner if:

(1) [a] the witness cannot be subpoenaed; or

(2) [a] the witness cannot attend a hearing.

[(f) *Temporary Chair.* If an appeal involves an action of the Fire Administrator, the Administrator must not participate as a Commission member in hearing and deciding the appeal.]] [The vice-chair or another public member appointed by the vice-chair as temporary chair must conduct any meeting involving the appeal, and may issue subpoenas and permit depositions.]

833 ~~[(g)]~~ (f) Appeals of Commission decisions. [Any] Except as provided in
 834 subsection [(h)] (g), [an employee of or] a volunteer at a local fire
 835 and rescue department [or any other aggrieved person]] may appeal a
 836 decision of the Commission [involving] concerning a specific personnel
 837 action, or the failure to take any such action, to the Merit System
 838 Protection Board as if the [aggrieved person] appellant were a County
 839 merit system employee. Any aggrieved party may appeal [any other
 840 Commission]] the decision [made under this Section] of the Board to
 841 any court with jurisdiction under the rules governing appeals from
 842 administrative agencies, and may appeal any adverse decision of that
 843 court to the Court of Special Appeals.

844 ~~[(h)]~~ (g) Exceptions. This Section does not apply to, and the Commission
 845 must not consider an appeal of[:]

846 ~~[(1)]~~ a personnel matter subject to an employee grievance procedure:

847 ~~[(A)]~~ (1) under a collective bargaining agreement [with the
 848 County]];

849 ~~[(B)]~~ (2) under County personnel laws and regulations; or

850 ~~[(C)]~~ (3) otherwise subject to a complaint or appeal to the Merit
 851 System Protection Board[; or

852 (2) a dispute concerning the agreement between the County and a
 853 local fire and rescue department, which must be resolved through
 854 County contract administration procedures]].

855 **[[21-7A. Legal Representation.]]**

856 [[The County Attorney, with the approval of the County Executive, may take
 857 legal action to assist the Fire Administrator and the Fire and Rescue Commission in
 858 enforcing this Chapter and all other applicable laws, regulations, and policies
 859 concerning fire and rescue services in the County.]]

Article III. Operations.

21-8. Integrated [emergency command structure] Emergency Command Structure.

- (a) The [Commission] [[Fire Administrator]] County Executive, after [[consulting the]] receiving Commission approval under Section 21-2(d)(4), must adopt by regulation an [integrated emergency command structure] Integrated Emergency Command Structure (IECS)[, applicable] that is consistent with the National Incident Management System and applies to all IECS certified providers of fire, rescue and emergency medical services, on all emergency incidents. The [Commission] [[Administrator]] Chief regularly must review the [integrated emergency command structure] IECS [regulations] regulation and[, if at least 5 members vote in favor of any change that will improve public safety, amend them] propose amendments as necessary.
- (b) The [integrated emergency command structure] IECS must retain and actively encourage volunteer participation at all levels of the chain of command under the [[Administrator and the]] Fire Chief [[of the Division of Fire and Rescue Operations]]. Volunteers who meet the requirements and standards of experience and training must be eligible to advance to all levels of the chain of command and must not be treated differently from employees of equal rank [in] under the [integrated emergency command structure] IECS.

21-8A. Standardized Incident Management System.

- (a) The [[Fire Administrator]] County Executive must establish by regulation, after receiving Commission approval under Section 21-2(d)(4), a Standardized Incident Management System that is:

(1) based on nationally recognized incident management systems for fire and rescue operations; and

(2) compatible with the National Incident Management System.

(b) The Standardized Incident Management System must apply throughout the [[Montgomery County]] Fire and Rescue Service, including the local fire and rescue departments.

21-9. Disaster plan.

The [[Fire Administrator]] County Executive, by regulation issued after [[Commission [must] review]] receiving Commission approval under Section 21-2(d)(4) [and recommend changes in the], must establish and maintain a fire and rescue disaster plan[, including establishing] that provides an integrated chain of command[, to improve it and to make it] compatible with the Standardized Incident Management System [[described in Section 21-7A,]] and the [integrated emergency command structure] Integrated Emergency Command Structure [[described in [subsection] Section 21-8]] [(a), subject to the approval of the Chief Administrative Officer].

21-10. Response areas.

The [Commission] Fire [[Administrator]] Chief, after [[considering any recommendations by the Commission]] receiving Commission approval under Section 21-2(d)(4), must establish response areas [which together cover the entire County. A response area is the geographic area] served by [a] each fire or rescue station that collectively cover the entire County. The boundaries of a response area are generally the mid-points in road distances between that station and the nearest fire or rescue stations. However, the [Commission in setting] response area boundaries must consider geographic or other features that affect dispatch operations. [[The Commission must at least annually review each response area and [adopt] recommend amendments as necessary.]]

21-11. Communications procedures and dispatch times.

[[a)] The Fire ~~[[Administrator]]~~ Chief, after [[considering the advice and recommendations of the]] receiving Commission approval under Section 21-2(d)(4), must ~~[maintain]~~ establish comprehensive and consistent communications and dispatch procedures [. The Commission must] that maintain appropriate allowable dispatch times for all fire and rescue units[. All procedures and dispatch times must] and promote public safety.

[[b)] ~~[These]~~ The ~~[[Administrator and the]]~~ Commission must review these procedures and dispatch times ~~[must be reviewed]~~ at least annually.]]

21-12. Master fire, rescue, and emergency medical services plan.

(a) The Commission must review the master fire, rescue, and emergency medical services plan on an ongoing basis, and must propose any appropriate amendments to the Fire ~~[[Administrator]]~~ Chief, Executive, and Council [as appropriate]. ~~[This]~~ The master plan [includes, but is not limited to] must include at least:

- (1) ~~[A]~~ a survey of the resources and personnel of existing fire, rescue, and emergency medical services, and an analysis of the effectiveness of the fire and building codes;
- (2) ~~[An]~~ an analysis of short- and long-term fire prevention and control needs [as well as] and emergency medical services needs;
- (3) ~~[A]~~ a plan to meet the fire prevention and control and emergency medical services needs;
- (4) ~~[An]~~ an estimate of cost and realistic plans for financing the implementation and operation of the plan on a continuing basis, and a summary of problems anticipated in implementing the plan;

- 940 (5) [A] a definition of the current and future fire protection and
 941 emergency medical environment by establishing and maintaining
 942 a comprehensive data base;
- 943 (6) [A] a definition of goals and objectives for service levels;
- 944 (7) [Identification] identification and justification of the resources
 945 and technology necessary to develop and operate the fire
 946 protection and emergency medical system as recommended by
 947 the plan; [and]
- 948 (8) [A] a detailed program of action to implement and maintain the
 949 system as recommended by the plan; and
- 950 (9) a detailed program of action to integrate the County's fire
 951 prevention and control and emergency services resources into
 952 County-wide, regional, State, and national emergency
 953 management plans.
- 954 (b) The [master plan must be developed by the] [[Commission]] Fire Chief
 955 must draft the master plan and any amendments in coordination with the
 956 [[Administrator]] Commission, the local fire and rescue departments,
 957 the Maryland-National Capital Park and Planning Commission, the
 958 health systems planning agency, the Washington Suburban Sanitary
 959 Commission, other County departments, the Metropolitan Washington
 960 Council of Governments, the U.S. Department of Homeland Security,
 961 and any other interested parties. The County Council, the
 962 [[Administrator, the Fire Board]] Commission, and any local fire and
 963 rescue department may ask the [[Commission]] Fire Chief to consider
 964 an amendment to the plan at any time. The [[Commission]] Fire Chief
 965 must conduct at least one public hearing before proposing any
 966 significant amendment. The County Executive must forward the master

plan or any amendment proposed by the ~~[[Commission]]~~ Fire Chief, along with any comments, to the County Council, ~~[who]~~ which may approve the master plan as proposed or with ~~[further]~~ amendments.

(c) The master plan must serve as a guideline for the Executive, Council, and Fire Chief in making decisions regarding delivery of fire and rescue services, does not have the force of law, and does not impose any legal obligation on any party.

21-13. Temporary transfer of apparatus.

The ~~[Commission]~~ ~~[[Fire Administrator]]~~ County Executive, after ~~[[consulting the]]~~ receiving Commission approval under Section 21-2(d)(4), must adopt ~~[and the Chief Administrative Officer must approve policies concerning]~~ a regulation establishing policies for the long- or short-term transfer of apparatus. ~~[In an emergency not covered by the Commission policy, the County Executive]~~ The Fire ~~[[Administrator]]~~ Chief, when authorized by regulation, may transfer any apparatus purchased in whole or in part with tax funds, including any apparatus titled to a local fire and rescue department. The ~~[County Executive]~~ ~~[[Administrator]]~~ Chief must provide as much advance notice as possible before transferring apparatus ~~[[described in the agreement between the County and the local fire and rescue department]]~~. The regulation must not require the transfer of any apparatus that was not purchased with any County tax funds, except in an emergency.

21-14. Assumption of command by County government.

The County Executive or a designee may assume operational and administrative command of any facility or apparatus of a local fire and rescue department[,], ~~[[supported in whole or in part with tax funds]]~~ that provides fire, rescue, or emergency medical services under Section 21-5 if the ~~[County]~~ Executive finds that the local department is ~~[[unwilling or]]~~ unable or refuses to provide fire, rescue, or emergency medical services in accordance with this Chapter. Except

during a public emergency, the Executive must give the local department a reasonable opportunity to respond before assuming command. This assumption of command may continue until the County Council by resolution, after consulting the Fire Chief and Commission, directs otherwise.

21-15. Performance auditing.

[[a)] The County Executive, the County Council, the Commission, the Chief Administrative Officer, and the Fire Chief, or their designees, may conduct performance audits of any local fire and rescue department [for the purpose of making] to make budget, management, or legislative recommendations. [These audits] An audit must be conducted in a reasonable manner with as much advance notice as feasible. Officers, members, and employees of each local fire and rescue department must cooperate fully and provide any data [required] requested by the auditor.

[[b)] The Executive, with the approval of the Council, may cancel the County's agreement, under Section 21-6, with a local fire and rescue department if that department does not correct deficiencies identified in an audit under subsection (a) before the deadline set by the Fire Administrator. If the agreement is canceled, the department does not meet the requirement of Section 21-6(a)(3) and must not provide fire suppression, rescue, or emergency medical services in the County.]

Article IV. Personnel.

21-16. Personnel administration for local fire and rescue departments.

(a) *Applicability of County Regulations.* Employees of local fire and rescue departments who are paid with tax funds are not County employees. They are members of a separate merit system [which is] governed by generally applicable County personnel regulations except as expressly modified by regulations that the County Executive, after [[consulting

1021 the]] receiving Commission approval under Section 21-2(d)(4), adopts
 1022 under method (2).

1023 (b) *Personnel services.* The Office of Human Resources must provide
 1024 [these] the following services to the local fire and rescue departments:

1025 (1) Uniform administration and application of personnel regulations
 1026 and policies.

1027 (2) Consistent administration and application of a uniform pay plan
 1028 and benefit program, which must be substantially equivalent to
 1029 that of the County government.

1030 (3) Disbursement of salaries and wages, including withholding for
 1031 taxes and fringe benefits through the County's payroll system.

1032 (4) Review for consistency with applicable personnel regulations all
 1033 personnel transactions involving employees of local fire and
 1034 rescue departments paid with tax funds.

1035 (5) Use of the Merit System Protection Board.

1036 (c) *Limitations.* Nothing in this Chapter means that employees of the local
 1037 fire and rescue departments are County employees, either on a de jure or
 1038 de facto basis. Nothing in this Chapter abrogates the authority of each
 1039 local fire and rescue department over such functions as hiring,
 1040 promotion, discipline, and discharge of employees of that department;
 1041 the assignment of administrative staff; and day-to-day assignments of
 1042 volunteer personnel at that department. This Section does not diminish
 1043 the authority of County government to act under Sections 21-13 and 21-
 1044 14 or the authority of the Fire Chief to discipline an employee or
 1045 volunteer of a local fire and rescue department as provided in Section
 1046 21-3(g).

(d) *Judicial review.* An aggrieved employee of a local fire and rescue department, the Chief Administrative Officer on behalf of the County, or any local fire and rescue department or other person aggrieved by any order or decision of the Merit System Protection Board, may obtain judicial review of the order or decision as described in the Maryland Rules of Procedure that apply to appeals of administrative actions. Any party may appeal a decision of a court under this subsection [[may be appealed]] to the Court of Special Appeals or seek review by the Court of Appeals.

(e) *Local department head.* For purposes of this Chapter, a local fire and rescue department must designate a person as a department head under the County personnel regulations and must notify the Office of Human Resources of its selection. The designee may take any personnel action on behalf of the local department that a department head may take under the County personnel regulations, to the extent that those regulations apply to the local department.

21-17. Encouraging volunteers.

- (a) As long as the service being provided is not the same service which the County employee is paid to provide, the County must not prohibit or discourage any County employee from providing volunteer services for a local fire and rescue department, except:
- (1) a local fire and rescue department to which the employee is assigned,
 - (2) to the extent the services are prohibited by the conflict-of-interest provisions of Chapter 19A, or
 - (3) to the extent volunteer service creates additional financial liability to the County.

(b) Employees in the firefighter/rescuer occupational series may be prohibited or restricted from providing volunteer fire, rescue or emergency medical services to local fire and rescue departments in the County under regulations adopted by the County Executive under method (2).

21-18. Training requirements and certification standards.

[After permitting a 60-day period for review and comment, the Commission] The [[Fire Administrator]] County Executive, after [[consulting the]] receiving Commission approval under Section 21-2(d)(4), must [adopt] issue regulations establishing training requirements [to be met by] for all active fire, rescue, and emergency medical services personnel in the [[Montgomery County]] Fire and Rescue Service, including the local fire and rescue departments, consistent with the Integrated Emergency Command Structure. [Standards] The training requirements must include standards for eligibility [to the] for [[various ranks]] each rank. [must be included in the training requirements. These standards and training requirements must be applied] [[that]] The standards must apply similarly to all personnel engaging in similar duties. The [[Administrator]] Chief must ensure that [[reasonable]] all feasible opportunities are available for volunteers to meet the standards for advancement. The Chief must report annually to the Commission, Executive, and Council on the availability and implementation of County training programs for volunteer firefighters and rescuers.

21-19. Code of ethics and personal conduct.

The [[Fire Administrator]] County Executive, after [[considering the advice and recommendations of]] [[consulting the]] receiving Commission approval under Section 21-2(d)(4), must [adopt] issue regulations establishing a code of ethics and on-duty personal conduct [as a Commission regulation. The code must be] that is consistent with applicable law, including Chapters 19A and 27. The code [applies]

must apply to all fire, rescue, and emergency medical services personnel, including administrative personnel. The code must specify [actions that may be taken and] prohibited conduct and the procedures [that must be followed if] and actions available to address any [provision is violated] violation. The [Commission] ~~[[Administrator]]~~ Fire Chief may refer [any] a matter to the County Ethics Commission or Human ~~[[Relations]]~~ Rights Commission [as needed].

21-20. Disability and death benefits for members of local fire and rescue departments.

The Council should provide for the payment of disability benefits for members of local fire and rescue departments operating in the County, and for the payment of death benefits for members injured or killed in the line of duty, for the source and funds from which benefits are paid, and for rights of subrogation in the County.

21-21. Length of service award program for volunteers.

There is a length of service award program for local fire and rescue department volunteers.

(a) *Definition.* In this Section, active volunteer means a local fire and rescue department volunteer who accumulates at least 50 points in a calendar year under the point system in subsection [(j)] (k).

(b) *Eligibility.* Any local fire and rescue department volunteer is eligible for the length of service award program if the volunteer is at least 16 years old, and:

(1) (A) ~~[[is]]~~ was an active volunteer on or after August 15, 1965;
or

(B) on August 15, 1965 had completed 25 years as an active volunteer; and

(2) if less than 18 years old, meets any additional requirements established by Executive regulation under method (3).

(c) *Length of service benefits.*

(1) *Volunteers Who Qualified Before 1985.* Effective January 1, 1985, any volunteer who qualified for a monthly award payment before January 1, 1985, must receive monthly award payments equal to 150 percent of the pre-1985 monthly award payment.

(2) *Volunteers Who Qualify in 1985 or Later- 25 Years of Service.*

(A) Effective January 1, 1985, a volunteer qualifies for a 25-year award payment when the volunteer:

(i) has served 25 years as an active volunteer; and

(ii) (a) is at least age [60] 55, if the volunteer completed 25 years as an active volunteer before 1996, or

(b) is any age, if the volunteer completed 25 years as an active volunteer on or after January 1, 2004.

(B) A volunteer who qualifies under this paragraph must receive an award payment of:

(i) \$230 per month for life; and

(ii) \$11.50 per month for life for each year of service as an active volunteer over 25 years (up to \$115 per month). The maximum total benefit is \$345 per month.

(3) *Volunteers Who Qualify in 1985 or Later - 15 years of Service.*

(A) Effective January 1, 1985, a volunteer qualifies for a 15-year award payment when the volunteer:

(i) has served 15 years as an active volunteer after January 1, 1955; and

- 1155 (ii) is at least age [65] 60.
- 1156 (B) A volunteer who qualifies under this paragraph must
- 1157 receive an award payment of \$9.20 per month for life for
- 1158 each year of service as an active volunteer.
- 1159 (4) *Volunteers Who Qualify in 1985 or Later - 10 Years of Service*
- 1160 (A) Effective January 1, 1985, a volunteer qualifies for a 10-
- 1161 year award payment when the volunteer:
- 1162 (i) has served 10 years as an active volunteer; and
- 1163 (ii) is at least age [70] 65.
- 1164 (B) A volunteer who qualifies under this paragraph must
- 1165 receive an award payment of \$9.20 per month for life for
- 1166 each year of service as an active volunteer.
- 1167 (d) *Disability benefit.*
- 1168 (1) A volunteer qualifies for a disability benefit if:
- 1169 (A) the volunteer becomes disabled as the direct result of
- 1170 active participation as a local fire and rescue department
- 1171 volunteer;
- 1172 (B) the disability prevents the volunteer from pursuing the
- 1173 volunteer's normal occupation; and
- 1174 (C) a state worker's compensation commission finds that the
- 1175 disability is total and permanent, and is a direct result of
- 1176 active participation as a local fire and rescue department
- 1177 volunteer.
- 1178 (2) A volunteer who qualifies under this subsection must receive an
- 1179 award payment of \$345 per month for life.

(3) Length of service benefits under subsection (c) must not be paid to volunteers who are receiving award payments under this subsection.

(e) *Survivor's benefit.*

(1) A local fire and rescue department volunteer's surviving spouse or domestic partner qualifies for a survivor's benefit on the volunteer's death if:

(A) the surviving spouse or partner submits an application for the benefit; and

(B) the volunteer met the:

(i) years-of-service requirement for a length of service benefit under subsection (c); or

(ii) requirements for a disability benefit under subsection (d).

(2) The volunteer's surviving spouse or domestic partner must receive a monthly award payment until the spouse's death or remarriage, or partner's death or establishment of another domestic partnership, equal to 50 percent of the:

(A) length of service benefit for which the volunteer met the years-of-service requirement; or

(B) volunteer's disability benefit.

(f) *Death benefit.*

(1) A local fire and rescue department volunteer's surviving spouse or domestic partner (or estate if no spouse or partner survives) qualifies on the volunteer's death for a [\$2,500] \$5,000 death benefit if:

- 1206 (A) the surviving spouse or partner (or estate) submits an
 1207 application for the benefit within one year of the
 1208 volunteer's death; and
- 1209 (B) the volunteer met the:
- 1210 (i) years-of-service requirement for a length of service
 1211 benefit under subsection (c); or
- 1212 (ii) requirements for a disability benefit under
 1213 subsection (d).
- 1214 (g) Other benefits. An active volunteer may participate in the County's
 1215 tuition assistance program to the extent federal tax laws permit
 1216 volunteers to do so, and receive discounts at County transit and
 1217 recreational facilities as if the volunteer were a County employee.
- 1218 (h) *Funding.* The County must pay benefits to a volunteer under this
 1219 section from [[the]] fire tax funds.
- 1220 [(h)]
- 1221 (i) *Administration.*
- 1222 (1) The County Executive or the Executive's designee must
 1223 administer this Section under Executive Regulations adopted
 1224 under method (3).
- 1225 (2) The County must pay benefits under this section from the first
 1226 day of the first month after the volunteer, surviving spouse or
 1227 domestic partner, or volunteer's estate qualifies for the benefit,
 1228 except that benefits must not be paid for any period before the
 1229 application for the benefit is filed.
- 1230 (3) The [[County]] Executive or the Executive's designee may audit
 1231 the records of participating local fire and rescue departments
 1232 regarding volunteer participation.

- (4) The [[County]] Executive or the Executive's designee may correct clerical errors in volunteers' service records made by County staff in the administration of this Section.

[(i)]

(j) *Certification of volunteers.*

- (1) *Local fire and rescue departments.* Each participating local fire and rescue department must:

(A) maintain a detailed and accurate record for each local fire and rescue department volunteer, in a form established by the [[County]] Executive, of any activity that qualifies for credit toward active volunteer status;

(B) by March 31 each year, submit a record of all local fire and rescue department volunteers, certified by the secretary under oath, that identifies each active volunteer for the previous year; and

(C) post any list from the [[County]] Executive or the Executive's designee of active volunteers for at least 30 days after receipt for review by members.

- (2) *Appeal.* A volunteer may appeal a finding that the volunteer was not an active volunteer within 30 days after a written notice of the finding is mailed to the volunteer. The appeal must satisfy requirements established in regulations issued by the [[County]] Executive under method (3). The decision of the [[County]] Executive or the Executive's designee on the appeal is final.

[(j)]

(k) *Point system.* To qualify as an active volunteer under subsection (a), a volunteer accumulates points under this subsection during each calendar

year that are not transferable to another year. An individual must not receive points for any activity performed as a County employee.

(1) *Training Courses* - 25 points maximum.

(A) Courses lasting less than 20 hours, such as a one-day course, seminar, or basic first-aid class, earn 5 points per course.

(B) Courses lasting 20 to 45 hours, such as a short course or regional fire school, earn 10 points per course.

(C) Courses lasting more than 45 hours, such as the basic, advanced, section III, and emergency care courses offered by the University of Maryland, or a fire science course offered by Montgomery College or Prince George's Community College, earn 15 points per course.

(2) *Drills* - 20 points maximum: Each drill lasting at least 2 hours earns 1 point.

(3) *Sleep-in or Stand-by* - 20 points maximum. Sleep-in service earns 1 point for each full night. Stand-by service earns 1 point for each period of on-duty activity of the fire department or rescue squad that lasts for at least 4 hours and does not fall under [[one of the other categories]] another category in this subsection.

(4) (A) *Elected and Appointed Position* - 25 points maximum per calendar year for any combination of service in eligible and appointed positions as follows:

(1) 25 points [[or]] for completing a one-year term in an eligible elected or appointed position; and

- 1285 (2) 2 points for each full month of service in any
 1286 eligible elected or appointed position during a term
 1287 of less than one year.
- 1288 (B) The Fire and Rescue Commission annually must approve a
 1289 list of the elected and appointed positions eligible to earn
 1290 points. The list must include:
- 1291 (i) local fire and rescue department (LFRD) officer at
 1292 the rank of lieutenant or higher;
- 1293 (ii) director, trustee, trial board member, or auxiliary
 1294 member of an LFRD;
- 1295 (iii) chair of fund raising or membership for an LFRD;
- 1296 (iv) chaplain of an LFRD;
- 1297 (v) delegate, alternate, or officer for the [[Montgomery
 1298 County]] Fire Board, [[or]] the Montgomery County
 1299 Volunteer Fire-Rescue Association, the LFRD
 1300 representative, or any similar organization;
- 1301 (vi) member of a committee of the [[Montgomery
 1302 County Fire and Rescue]] Commission, the Fire
 1303 Board, or the Maryland State Firemen's Association
 1304 (MSFA);
- 1305 (vii) officer of the MSFA auxiliary; or
- 1306 (viii) officer of an LFRD auxiliary.
- 1307 (5) *Attendance at Meetings* - 20 points maximum per year:
 1308 Attendance earns 1 point for each official meeting of an
 1309 organization listed in Executive regulations issued under method
 1310 (3) as affiliated with [[Montgomery County]] the Fire and Rescue
 1311 Service.

- (6) *Participation in Department or Station Responses*- 30 points maximum for responding on at least the number of calls indicated in the appropriate column below:

Total department/station call responses per year	000 to 999	1000 to 7499	7500 or more
Responses required to earn 1 point, if not qualified for maximum 30 points	2	4	5
Responses per year required to receive maximum 30 points	50	100	120

The [[fire and rescue]] Commission annually must determine for each [[department]] LFRD whether the total annual calls [[will]] must be computed by department or by station.

- (7) *Military Service* - 50 points maximum per year, prorated for a partial year of service, for qualified military service that interrupts voluntary fire service. Qualified service means full-time extended obligatory military service or a single voluntary enlistment, not to exceed [four] 4 years in the armed forces of the United States.

- (8) *Collateral Duties*- 25 points maximum: Each qualified activity for the [[volunteer's fire department or rescue squad]] LFRD that lasts at least 4 hours earns 1 point. The [[Fire and Rescue]] Commission annually must approve a list of the collateral duties under which a volunteer may perform qualified activities, such as apparatus and building maintenance; fire prevention and education activities; fund raising activities; and administrative or auxiliary duties.

[(k)]

(l) *Definition.* In this Section, “domestic partner” or “partner” means a person whose relationship with the volunteer would meet the requirements for a domestic partner under Section 33-22 if the volunteer were a County employee.

Article V. Fiscal Matters.

21-22. Budget preparation.

- (a) Each local fire and rescue department supported in whole or in part with tax funds must prepare an annual budget recommendation that [includes] describes its requirements with appropriate justification in a format prescribed by the County Executive ~~[[and consistent with its agreement with the County]]~~. [All budgets] Each department’s budget recommendation must be submitted to the Fire ~~[[Administrator]]~~ Chief [at the time required by the Commission] by the deadline set by the ~~[[Administrator]]~~ Chief.
- (b) The Fire ~~[[Administrator]]~~ Chief must prepare and submit to the Commission for its review and comment a unified ~~[[Montgomery County]]~~ Fire and Rescue Service budget [which includes the], including the proposed budgets [of the] for local fire and rescue departments[, the Divisions of Fire and Rescue Services and Volunteer Fire and Rescue Services,] and the staff and compensation proposed for the Commission and the LFRD representative.
- (c) The Commission must forward the ~~[[Administrator’s]]~~ Commission’s comments on the Fire Chief’s proposed budget, together with a summary, an analysis of County-wide implications and relationships to applicable provisions of the fire service master [plans] plan, and [its] the Commission’s recommendations on the proposed budget, to the County Executive for review and submission to the County Council as required

by the County Charter. The Commission must transmit ~~[[the budget]]~~
its comments [must be transmitted according] to the [schedule]
Executive by the deadline established by the [County] Executive.

- (d) The County Council must appropriate funds for fire, rescue, and emergency medical services for the ensuing fiscal year as prescribed by the Charter. [No tax] A person must not encumber or spend funds [can be encumbered or expended] in excess of appropriations. All distributions of appropriations to a local fire and rescue department are conditional on the local fire and rescue department's complying with applicable law, County [and Commission] regulations and policies, and lawful orders of the Fire ~~[[Administrator]]~~ Chief.

21-23. Taxation.

- (a) *Fire Tax District.* A fire tax district, comprising the entire County, includes all real and personal property assessed for County tax purposes.
- (b) *Tax levy and collection.* The County Council may levy a tax on each \$100 of the assessed value of taxable property in the fire tax district at a rate to yield an amount that the Council finds sufficient to fund:
- (1) the management, operation, and maintenance of all fire and rescue services;
 - (2) the purchase (including debt service), construction, maintenance, and operation of real and personal property necessary or incidental to fire and rescue services;
 - (3) the operation of the Commission and the Fire and Rescue Service;
 - (4) all tax-supported expenditures of the local fire and rescue departments; and

(5) awards for the Length of Service Awards Program.

The fire tax must be levied and collected in the manner that other county real property taxes are levied and collected and have the same priority rights, bear the same interest and penalties, and in every respect be treated the same as other county real property taxes.

21-24. Fire tax funds.

(a) *Distribution.* [All] The County must pay all appropriated funds budgeted for use by a local fire and rescue department [must be paid at least on a monthly basis by the County to the department in accordance with a projected monthly schedule or approved budget submitted by each department before the start of the fiscal year] [[according to the provisions of the agreement between the County and that department]] at least on a monthly basis to the department in accordance with a projected monthly schedule or approved budget submitted by that department before the start of the fiscal year. At the request of a local fire and rescue department, the County, as a service to that department, may retain, disburse, and account for any fire tax funds budgeted for use by that department.

(b) *Expenditures and [Investments] investments.* The treasurers, as authorized by the local fire and rescue department, must pay all proper costs, expenses, claims and demands necessary for the maintenance, equipment, and operation of the local fire and rescue department. Any money which the County retains on behalf of the local fire and rescue department must be invested in the County's investment fund. The proceeds from those investments must be credited to each local fire and rescue department for the next fiscal year after the funds were invested.

Proceeds must be credited to each local fire and rescue department in proportion to the amount of funds retained and invested by the County.

(c) *Treasurer's [Bond] bond.* Each local fire and rescue department must provide a corporate bond to the County approved by the Director of Finance conditioned on the faithful discharge of the duties of the treasurer. The Director may approve a blanket corporate bond covering one or more local fire and rescue departments.

(d) *Audit.* Financial transactions involving County fire tax funds must be included in the annual audit required by the Charter. Copies of the annual audit must be provided to the County Council, each local fire and rescue department, and the Commission.

[(e) *Impoundment.* The County Executive may impound fire tax funds as provided in Section 21-6(c).]]

21-25. Debt.

The annual budget [[for the Fire and Rescue Service]] must include an appropriation sufficient to pay the principal and interest obligation for the ensuing fiscal year of any County bonds issued and outstanding for fire service purposes.

21-26. Title to assets; sale or disposition.

(a) Title to fire, rescue, and emergency medical service apparatus and facilities, purchased in whole or in part with any tax funds before July 30, 1980, may be retained by the local fire and rescue department unless the appropriation resolution that funded the purchase specified otherwise.

(b) All apparatus and facilities purchased with tax funds after July 30, 1980, must be titled to the County and must be assigned in accordance with the adopted master fire, rescue, and emergency services plan. A newly constructed fire station, purchased with tax funds after July 1, 1999,

may be held under a title reflecting concurrent ownership by the County and a local fire and rescue department if:

- (1) the station complies with the adopted master fire, rescue, and emergency medical services plan;
- (2) the local fire and rescue department has contributed, or is legally committed to contribute, at least 50 percent of the on-site cost of the station, including any land cost, and of the station's proportionate share of off-site costs directly attributable to the project; and
- (3) the Chief Administrative Officer has signed a contract with the local fire and rescue department that assures, to the fullest extent legally possible, that the station will be available for fire and rescue purposes until the station is disposed of under subsection (c), and that the station will be operated according to [Commission] County law, regulations, and policies.

- (c) The [Commission and the] Chief Administrative Officer must approve each sale or other disposition of any apparatus or facilities to ensure that [such] the sale or other disposition does not adversely affect the public interest. If [either the Commission or] the Chief Administrative Officer does not approve a sale or other disposition, the County Council may by resolution approve the proposed sale or disposition. The proportionate share of the proceeds of any such disposition attributable to fire tax funds must be used by the local fire and rescue department for fire, rescue or emergency medical services, or be returned to the fire tax district. In a dispute over the source and amount of original financing, or over the value of the apparatus or facilities, the County agrees to binding arbitration under the Maryland Uniform Arbitration Act to

1467 resolve the dispute. [The arbitrator must be chosen by the Commission
 1468 with the concurrence of the local fire and rescue department and the
 1469 County.]

- 1470 (d) The County acknowledges that it has no ownership claim to any
 1471 equipment, apparatus, facilities, or property acquired [solely] without
 1472 any use of tax funds. [This] [Except as provided in the County's
 1473 agreement with a local fire and rescue department, this] This Chapter
 1474 does not authorize the County to require the transfer of ownership of
 1475 any such equipment, apparatus, facilities, or property to the County.
- 1476 (e) The County may accept title and all encumbrances to any fire, rescue
 1477 [and], or emergency medical service apparatus, equipment, facility or
 1478 property from any local fire and rescue department [wishing to no
 1479 longer hold such] that requests the transfer of title, even if [there] the
 1480 item is subject to an existing debt. [Any such title] The Chief
 1481 Administrative Officer must approve or reject the transfer [must be
 1482 approved by the Chief Administrative Officer] after [receiving the
 1483 recommendation of] considering any recommendations by the
 1484 Commission. The [Commission, in consultation with the] Chief
 1485 Administrative Officer, after considering the advice and
 1486 recommendations of the Commission, must develop procedures [to
 1487 provide] for the orderly disposition of assets of any local fire and rescue
 1488 department [which] that is unable to provide fire, rescue, or emergency
 1489 medical services so that the assets continue to be used to provide fire,
 1490 rescue, and emergency medical services in that community.
- 1491 (f) Any funds accruing to the County from the sale or other disposition of
 1492 any apparatus, equipment, facility or property must be applied to the

funding of fire and rescue appropriations approved by the County Council.

(g) For purposes of operation, the [Commission] Chief Administrative Officer, after considering the advice and recommendations of the Commission, must assign fire stations when built or acquired to a local fire and rescue department or, with the concurrence of the County Executive and County Council, to the Fire and Rescue Service. This Section does not preclude the Fire and Rescue Service from operating a fire station as otherwise provided by law.

21-27. Purchasing and contracting.

[All purchases and contracts made by the local fire and rescue departments and] The Fire [[Administrator]] Chief, after [[consulting the]] receiving Commission approval under Section 21-2(d)(4), must establish procedures, by regulation [[or in agreements with local fire and rescue departments]], that govern any purchase or contract by any department that will be financed in whole or in part with tax funds [must be made in accordance with Commission procedures governing purchasing and contracting].

Article VI. Fire Corporation Boards.

* * *

Sec. 2. Transition.

(a) *Regulations.* A regulation issued by the Fire and Rescue Commission before this Act took effect continues in effect unless it is inconsistent with Chapter 21, as amended by this Act, but must be [[considered to have]] treated as having been issued by the Fire [[Administrator]] Chief or the County Executive, as provided in Chapter 21 [[of the Code]], as amended by this Act. This Section does not apply to procedural

regulations that the Commission is authorized to issue under Section 21-7(c) [[of the Code]], as amended by this Act.

[[(b) *Agreements with local departments.*

(1) The requirement in Section 21-6(a)(3) of the Code, as amended by this Act, for a written agreement between a local fire and rescue department and the County does not apply until 180 days after this Act becomes law, unless the Fire Administrator finds that a department has failed to maintain the level or readiness of any fire, rescue, or emergency medical services it was providing.

(2) The Administrator may recommend that the County Executive extend the 180-day exemption by not more than an additional 60 days if a department shows good cause for the extension. The County Council may further extend the exemption by resolution. Within 10 days after the 180-day deadline expires, the Fire Administrator must report to the Executive and the Council the status of the agreement or proposed agreement with each local fire and rescue department.]]

(b) *Fire Administrator* Any reference in any law, regulation, or procedure to the Fire Administrator must be treated as referring to the Fire Chief appointed under Section 21-3, as amended by this Act.

(c) *Effective date* This Act takes effect on January 1, 2005.

Approved:

Steven A. Silverman, President, County Council

Date

1543 *Approved:*

1544

1545

Douglas M. Duncan, County Executive

Date

1546 *This is a correct copy of Council action.*

1547

1548

Mary A. Edgar, CMC, Clerk of the Council

Date